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**ORDINANCE REGULATING THE SALE, POSSESSION, AND USE
OF FIREWORKS IN THE CITY OF LEXINGTON, MISSISSIPPI
AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF**

WHEREAS, the Mayor and Board of Aldermen of the City of Lexington, Mississippi hereby find that public safety and welfare are adversely affected by the unrestricted sale and use of fireworks within municipal limits; and

WHEREAS, the Mayor and Board of Aldermen of the City of Lexington, Mississippi hereby find that there is a need to regulate the time, place and manner of the sale and use of fireworks within municipal limits; and

WHEREAS, the Mayor and Board of Aldermen of the City of Lexington, Mississippi hereby find that they are authorized by §21-19-15 of the Mississippi Code to regulate these matters in the interest of the public welfare; and

WHEREAS, the Mayor and Board of Aldermen of the City of Lexington, Mississippi hereby find that such regulation will reduce injuries to people and destruction of property by fire;

BE IT HEREBY ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LEXINGTON, as follows:

§1. All prior ordinances adopted by the City of Lexington regulating the sale, possession, and use of fireworks are hereby repealed.

§2. It is a violation of this section of this ordinance to sell any fireworks, including Class "C" fireworks as defined by the Interstate Commerce Commission and M.C.A. §45-13-1, within the Lexington municipal limits, except for the following designated periods when the sale of any fireworks which are legal under Mississippi state law is permitted within the municipal limits of Lexington, Mississippi:

- (1) From June 24 to July 4 each year, inclusive of start and end date;
- (2) From December 20 to January 1 each year, inclusive of start and end date.

Furthermore, it is a violation of this section of this ordinance to sell fireworks within the city limits without a valid, properly displayed fireworks permit by the City of Lexington, issued from city hall. Said permit shall cost one-hundred fifty dollars (\$150.00), and shall be valid for one year from the date of issue, but shall only be valid during the described periods of allowed sales. No permit shall issue to any residential address, and any permit so issued shall be considered void. Said permit must be prominently displayed near the cash register or, if there be no register, near the entrance to the establishment.

§3. Every person convicted of a violation of §2 of this ordinance shall be punished as follows:

- (a) Upon first conviction under this section of this ordinance, by a fine of not more than *one hundred fifty dollars (\$150.00)*, or by not more than thirty (30) days imprisonment, or by any combination thereof;
- (b) Upon second conviction under this section of this ordinance, by a fine of not more than *five hundred dollars (\$500.00)*, or by not more than thirty (30) days imprisonment, or by any combination thereof;
- (c) Upon third and all subsequent convictions under this section of this ordinance, by a fine of *not more than one thousand dollars (\$1000.00)*, or by not more than thirty (30) days imprisonment, or by any combination thereof.

§4. It is a violation of this section of this ordinance to use or possess any fireworks, including Class "C" fireworks as defined by the Interstate Commerce Commission and M.C.A. §45-13-1, within the Lexington municipal limits, except for the following designated periods of time and

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specified places when the use of any fireworks which are legal under Mississippi state law is permitted within the municipal limits of Lexington, Mississippi:

- (3) From June 24 to July 4 each year, inclusive of start and end date;
- (4) From December 20 to January 1 each year, inclusive of start and end date.

The city reserves the authority to declare at the last public meeting prior to each permissible period of fireworks use that drought or other conditions render the use of fireworks to be unsafe, and to prohibit the use of fireworks during that time, without repealing this ordinance in its entirety.

It shall be a violation of this section of this ordinance for any child under the age of 18 to light or use fireworks without adult supervision.

Furthermore, during the periods when the possession and use of fireworks are allowed within the municipal limits, fireworks may only be used in non-residential areas, and must be used at least 100 feet from the nearest structure. Also, no fireworks may be used on any public street, road, or sidewalk. It shall be a violation of this section of this ordinance for fireworks to be used in any area that is not approved for fireworks use within this section of this ordinance.

§5. Every person convicted of a violation of §4 of this ordinance shall be punished for each offense by a fine of not more than *twenty-five dollars (\$25.00)*, or by imprisonment by not more than three (3) days, or by both.

§6. This ordinance shall take effect and shall be enforceable from and after the due publication thereof as required by law.

§7. If any section or part of this ordinance shall be found by any court of proper jurisdiction to be unenforceable for any reason, the remainder of the ordinance shall remain valid and enforceable.

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THE ABOVE ORDINANCE having been first reduced to writing by sections and each numbered section was independently adopted by the following vote:

Alderman Brown:	Yea <u>X</u>	Nay _____	Absent _____
Alderman Cobbins:	Yea <u>X</u>	Nay _____	Absent _____
Alderman Edwards:	Yea _____	Nay _____	Absent <u>X</u>
Alderman McCain:	Yea <u>X</u>	Nay _____	Absent _____
Alderman Rule:	Yea <u>X</u>	Nay _____	Absent _____

On motion by Alderman David Rule, seconded by Alderman Clinton Cobbins, the ordinance was put upon its final passage as a whole and the same then and there passed by a majority vote of said aldermen.

Whereupon the Mayor declared the motion carried and the ordinance duly passed, approved, and adopted, to take effect in accordance with Mississippi Code Annotated §21-13-11 on the 7th day of November, 2006, which is thirty (30) days from its passage and upon publication in the local newspaper.

This, the 7th day of November, 2006.

APPROVED:

Rolun M. Cery
Mayor

(SEAL)

ATTEST:

Dan Poole
City Clerk